

Chapter 12B - Disability leave Policy and Procedure

Purpose

The purpose of Disability Leave is to provide disabled staff with reasonable time off work for reasons related to their disability where that time off is not covered by other leave arrangements.

The NAO is committed to treating its people fairly, with dignity and respect and provides a safe, supportive and welcoming environment for all workers. The NAO recognises the skills and experience of all staff and is committed to promoting disability equality by removing barriers to access, tackling discrimination and implementing best employment practices.

The NAO is committed to considering, and making, reasonable adjustments for staff who are disabled. Examples of reasonable adjustments are given in the [Workplace Adjustments Guide on Merlin](#).

If you believe that you are disabled or if you become disabled, we encourage you to tell us about your condition at the earliest opportunity so that we can support you as appropriate.

If you experience difficulties at work because of your disability or a long term mental health condition, you should contact your performance coach to discuss any any workplace adjustments that would help overcome or minimise the difficulty. The NAO may wish to consult with our Occupational Health Service about possible adjustments.

1. What is Disability leave?

Disability Leave is a discretionary form of Special Leave which the NAO may consider granting for staff it considers may be disabled. It is one example of a 'reasonable adjustment' which can be considered in applicable circumstances by the NAO in accordance with its duties under the Equality Act 2010 (EqA 2010).

The purpose of Disability Leave is to provide disabled staff with reasonable time off work for reasons related to their disability where that time off is not covered by other leave arrangements.

Disability Leave is not intended as a replacement for sick leave. Any planned or unplanned period of absence where you are unfit to attend work because of sickness should be recorded as sick leave. If you consider that your period of sickness arises out of a disability, you should notify your performance coach of this fact when reporting your sickness, or as soon as possible thereafter and record your absence as disability related sick absence in . In cases of disability-related sickness absence the NAO may consider, as a reasonable adjustment, extending the limits to occupational sick pay. Further information on the policy on sickness absence can be found in [Chapter 11](#).

The NAO already allows staff a reasonable period of paid time off work to attend routine medical appointments, whether these arise out of a disability or other cause. The provisions regarding this are set out in the Special Leave for Medical and Dental Appointments arrangements in [Chapter 12](#) of the HR Manual and they should be applied in the usual way. However, where you require time off for other appointments or arrangements which relate to a disability, you may wish to consider making an application for Disability Leave.

Circumstances where Disability Leave might be granted include:

- Appointments with a complementary medicine practitioner which have been approved or recommended by your GP and that are related to a declared disability or long term mental health condition which you have told the NAO about.
- Hearing aid tests
- Other aids needing adjustment, repair or replacement
- Training with a guide or hearing dog
- Counselling or therapeutic treatment
- Appointments for regular treatment related to a disability, such as blood transfusions or dialysis treatment.

This list covers the main examples of Disability Leave which may be agreed under this policy but it is not exhaustive.

As with routine medical appointments, wherever possible you are expected to arrange appointments outside normal working hours. However, if it is not possible for you to arrange such appointments outside normal working hours, you may make a request for Disability Leave in accordance with this policy.

Where you have been declared fit to return to work following a period of sickness absence but you are awaiting the implementation of reasonable adjustments agreed with the NAO, any further absence will be treated as paid special leave and the absence will not count towards any triggers for sick pay.

2. Who can request Disability Leave?

Any member of staff who needs time off work in relation to a disability or long term mental health condition, and who has told the NAO about this disability or condition, can apply to their performance coach for Disability Leave.

The EqA 2010 defines disability as a mental or physical impairment that has an adverse effect on a person's ability to carry out day-to-day activities. This effect must be:

Substantial, i.e. not minor or trivial. However, the person is still considered disabled if the effects of the impairment are alleviated or removed by ongoing treatments or aids.

Long-term, which is usually taken to mean that it has lasted for 12 months, or is likely to last for more than 12 months, or for the rest of the person's life.

Some conditions are expressly deemed to be disabilities under the terms of the EqA 2010 such as blindness, HIV, cancer and multiple sclerosis. The classification of all other conditions is assessed on the basis of the degree of impairment, the duration of the condition and consideration of all other relevant factors in accordance with medical advice. The definition is broad and may include some people with conditions such as cystic fibrosis, depression, dyslexia, repetitive strain injury (RSI) or a severe facial disfigurement.

Where you consider that you might be disabled and you make an application for Disability Leave, before making a decision as to whether to grant the leave it may be appropriate for the NAO to take advice from our Occupational Health provider on the nature and effect of your condition.

Approval of a period of Disability Leave does not amount to acceptance by the NAO that a member of staff has a disability under the provisions of the EqA 2010.

3. Approval Criteria and Process

If you wish to request a period of Disability Leave, you should discuss this with your performance coach in the first instance. If you feel unable to discuss your condition with your performance coach, you should refer your performance coach to your HR Business Partner who will be able to confirm to your performance coach that you have told the NAO that you have a disability or long term mental health condition. You should then formally request the period of absence as "Special Leave (Disability Leave)" in . The request will be automatically forwarded to your performance coach for approval, and you will receive an automatic notification of the outcome.

The NAO will endeavour to meet requests for Disability Leave wherever possible and performance coach should take advice from their HR Business Partner before finalising their decision.

In making decisions on requests for Disability Leave, the NAO will consider:

- referring you to the NAO's Occupational Health Service and/or a doctor nominated by the NAO for advice on your condition;
- the nature of your request, including the timing of your application and the length of planned absence; and
- the NAO's business needs, including the impact of the proposed absence and the availability of other staff to cover your work during the period of absence.

In considering applications the NAO recognises that there will be occasions where a member of staff is occupying a role that may temporarily or permanently be unsuitable due to the increased level of absence resulting from Disability Leave even after other reasonable adjustments have been

considered and/or made. In such cases, the NAO will discuss with the individual concerned whether a move to an alternative role may be appropriate and possible in order to enable the NAO to meet the request for Disability Leave.

In certain circumstances, where the NAO considers that an application for Disability Leave is reasonable and should be agreed but the particular timing of the proposed leave is contrary to business need, the performance coach should discuss with the individual whether it is possible to rearrange the period of Disability Leave to a time that is mutually acceptable.

4. How much Disability Leave can a member of staff request?

If you need to be absent from work on Disability Leave this must, wherever possible, be agreed in advance by your performance coach in consultation with a NAO HR Business Partner and/or your Wellbeing Case Manager and the duration of the Disability Leave requested should be made clear.

There is no limit on the amount of Disability Leave that may be taken, but limits do apply to paid disability leave (see below). The number of days agreed must be viewed as reasonable and manageable by the performance coach, taking into account the nature of the request and the needs of the business. As set out above, where appropriate, the NAO may request advice from the NAO's Occupational Health Service, your medical advisor and/or a GP when considering requests for Disability Leave. Leave may be taken in a 'block' or as individual day(s).

Staff who have passed their probationary period will be entitled to receive their full salary and contractual benefits during Disability Leave. In most cases, we would consider up to a maximum of 20 working days in any 12 month period to be a reasonable amount of paid leave. Requests for extensions to the paid period of Disability Leave will be considered in exceptional circumstances on a discretionary case by case basis. performance coach who are asked to consider a longer period of paid Disability Leave must take advice from their HR Business Partner. Staff on probation will be able to apply for paid disability leave up to a maximum of 10 working days during their 6 month probation period.

Disability Leave will **not** be included in calculations for sick pay. NAO sick pay will only be calculated on the amount of sick leave taken, as outlined in [chapter 11](#) of the HR manual. Where you have exhausted the agreed period of paid Disability Leave, further time off work for disability related reasons will not be unreasonably restricted but will be treated as unpaid leave.

The NAO reserves the right to review the sustainability of Disability Leave in individual cases and will work with you to consider whether alternative roles may be more appropriate either in the short or long term if other reasonable adjustments are not effective in enabling you to carry out your existing role.

5. What if I have a carer's responsibility for someone with a disability?

Whilst there is no duty under the Equalities Act for the NAO to make reasonable adjustments for those with caring responsibilities for a person with a disability, the NAO is committed to supporting people with caring responsibilities. For that reason, employees who have caring responsibility for a person with a disability may also request Disability Leave to accompany their disabled dependent to appointments for treatment, tests or assessments etc.

Subject to business needs, the NAO will consider allowing you a period of Disability Leave for caring purposes, subject to a maximum of 10 working days in any 12 month period. The NAO may require you to provide appropriate evidence of your caring responsibility and of the disability of the person cared for e.g. appointment letters for hospital visits etc.